

## **REMARKS**

Claims 1-5, 7-8, 10-30, and 32-38 are pending in the application. Claims 6, 9, and 31 are cancelled. Claims 10, 11, 14, 15, 32, and 33 are currently amended. Applicant respectfully requests for allowance of all the pending claims based on following discussions.

### **Rejections under 35 USC 112**

Claims 10-15, 32, and 33 are rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 10 and 11 are amended by replacing the term “extension limiting means” with “means for limiting axial extension.”

Claim 14 is amended by replacing “one of the flanges” and “the other flange” with “a first flange” and “a second flange,” respectively.

Claim 15 is amended by replacing the term “the other flange” with “the first flange” or “the second flange” in appropriate locations in the claim.

Claims 32 and 33 are amended by inserting “the” before “means for limiting axial extension.”

Applicant respectfully submits that these amendments place claims 10-15, 32, and 33 in better form for consideration on appeal. Thus, Applicant respectfully requests entry of the amendments under 37 CFR 1.116, and withdrawal of rejections under 35 USC 112.

### **Rejections under 35 USC §103**

**Claims 1-5, 7, 8, 10-15, 32, and 33**

Claims 1-5, 7, 8, 10-15, 32, and 33 are rejected under 35 USC 103(a) as being unpatentable over Admitted Prior Art, figure 1 of the present application, (hereinafter referred to as “APA”) in view of US Patent No. 2,695,167 to Ramos et al. (hereinafter referred to “Ramos”).

In rejecting claim 1, Examiner acknowledges “APA is silent with regards to the damper being axially precompressed by the means for limiting axial extension of the bellows arrangement,” but provides “Ramos et al. teach in figure 1 and in col. 2 lines 2-6 an arrangement 6 being axially precompressed by a means for limiting axial extension 2, 28, 36.” *See, the Final Office Action, page 3, lines 19-22.* Examiner asserts “it would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified the means for limiting axial extension of the bellows arrangement to provide precompression of the bellows arrangement, in view of the teaching of Ramos et al., in order to provide a means of achieving a certain level of stiffness depending on the particular application.” *See, the Final Office Action, page 3 line 23 – page 4 line 2.*

However, Applicant respectfully disagrees with the assertion.

APA teaches away from precompressing the bellows arrangement. APA teaches “known elastomeric mechanical supports 5 typically experience failure in a buckling mode.” *See, the specification, page 2, lines 20-21.* Since precompression of the bellows arrangement would increase the likelihood for the elastomeric mechanical support 5 to buckle, APA discourages modifying the damper by precompressing the bellows arrangement.

Moreover, the objective of providing a means of achieving a certain level of stiffness of the damper does not necessarily lead to replacing the elastomeric mechanical

support 5 with the spring arrangement taught by Ramos. For example, efforts can be made in searching for alternative materials to the conventional material of the elastomeric mechanical support 5 in order to obtain the desired stiffness profile. Nothing in APA suggests that the elastomeric mechanical support 5 should be replaced by a spring arrangement. Note that, in the present application, the observations and disclosures about how precompression of the bellows arrangement may lead to a desired stiffness profile are provided in sections other than the Background of the Invention, which is regarded as the APA by Examiner. Absent such observations and disclosures, Applicant respectfully submits that since APA does not provide any suggestion or motivation for replacing the elastomeric mechanical support 5 with a spring arrangement in order to achieve a desired stiffness profile, it would not have been obvious for a person skilled in the art to combine APA and Ramos as Examiner asserts.

As such, Applicant respectfully submits that claim 1 is patentable over APA and Ramos under 35 USC 103. Accordingly, claims 2-5, 7, 8, 10-15, 32, and 33 that depend from claim 1 and include all the limitations recited therein are also patentable over APA and Ramos under 35 USC 103.

**Claims 16-23, 25, and 34-38**

Claims 16-23, 25, and 34-38 are rejected under 35 USC 103(a) as being unpatentable over APA in view of Ramos and US Patent No. 2,578,773 to Arthur (hereinafter referred to as “Arthur”).

Independent claim 18 includes a limitation “the damper is axially pre-compressed by means for limiting axial extension of the bellows arrangement.” As discussed above, APA fails to teach such limitation, and it is not obvious for a person skilled in the art to

combine APA with Ramos in order to cure the deficiency. Arthur is relied on by

Examiner for its teaching of the resistive means. Applicant respectfully submits that

Arthur does not cure the above-mentioned deficiency, either.

Thus, Applicant respectfully submits that claim 18 is patentable over APA, Ramos, and Arthur under 35 USC 103. Accordingly, claims 16, 17, 19-23, 25, and 34-38 that depend from independent claim 1 or 18 and include all the limitations recited therein are also patentable over APA, Ramos, and Arthur under 35 USC 103.

#### **Claim 24**

Claim 24 is rejected under 35 USC 103(a) as being unpatentable over APA in view of Ramos, Arthur, and US Patent No. 5,799,456 to Shriener et al. (hereinafter referred to as “Shriener”).

As discussed above, Applicant respectfully submits that independent claim 1 is patentable over the cited prior art references under 35 USC 103. Accordingly, claim 24 that depends from claim 1 and includes all the limitations recited therein is also patentable over APA, Ramos Arthur, and Shriener under 35 USC 103.

#### **Claims 16-23, 25, 26, 27, 29, and 34-38**

Claims 16-23, 25, 26, 27, 29, and 34-38 are rejected under 35 USC 103(a) as being unpatentable over APA in view of Ramos, and EP Patent No. 1,293,682 to Yamauchi et al. (hereinafter referred to as “Yamauchi”).

As discussed above, Applicant respectfully submits that independent claims 1 and 18 are patentable over the cited prior art references under 35 USC 103. Accordingly, claims 16-23, 25, 26, 27, 29, and 34-38 that depend from claim 1 or 18 and include all the

limitations recited therein are also patentable over APA, Ramos, and Yamauchi under 35 USC 103.

**Claim 24**

Claim 24 is rejected under 35 USC 103(a) as being unpatentable over APA in view of Ramos, Yamauchi, and Shriener.

As discussed above, Applicant respectfully submits that independent claim 1 is patentable over the cited prior art references under 35 USC 103. Accordingly, claim 24 that depends from claim 1 and includes all the limitations recited therein is also patentable over APA, Ramos, Yamauchi, and Shriener under 35 USC 103.

**Allowable Subject Matter**

Applicant appreciates Examiner's recognizing claims 28 and 30 as allowable, if rewritten in independent form.

### **CONCLUSION**

Applicant has made an earnest attempt to place this application in an allowable form. In view of the foregoing remarks, it is respectfully submitted that the pending claims are drawn to a novel subject matter, patentably distinguishable over the prior art of record. Examiner is therefore, respectfully requested to reconsider and withdraw the outstanding rejections.

Should Examiner deem that any further clarification is desirable, Examiner is invited to telephone the undersigned at the below listed telephone number.

Applicant does not believe that any additional fee is due, but as a precaution, the Commissioner is hereby authorized to charge any additional fee required by this submission to deposit account number 50-4244.

Respectfully submitted,

By: /Ting-Mao Chao, Reg. No. 60,126/  
Ting-Mao Chao  
Attorney for Applicant  
Registration No. 60,126

Edwards Vacuum, Inc.  
Legal Service – Intellectual Property  
2041 Mission College Blvd. Suite 260  
Santa Clara, CA 95054

TEL: 1-408-496-1177 ext. 2222  
FAX: 1-408-496-1188

**Customer No.: 71134**